

Article - Environment

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§15-815.

(a) Any permittee engaged in surface mining under a surface mining permit may apply at any time for modification of the permit. The application shall be in writing on forms furnished by the Department and fully state the information called for. In addition, the applicant may be required to furnish other information the Department reasonably deems necessary to enforce this subtitle. However, it is not necessary to resubmit information which has not changed since the original application, if the applicant so states in writing.

(b) A modification under this section may affect the land area covered by the permit, the approved mining and reclamation plan coupled with the permit, or other terms and conditions of the permit. A permit may be modified to include land contiguous to the existing affected land, but not other lands. The mining and reclamation plan may be modified in any manner, if the Department determines that the modified plan fully meets the standards set forth in § 15-822 of this subtitle and that the modifications would be generally consistent with the bases for the issuance of the original permit. Other terms and conditions may be modified only if the Department determines that the permit as modified would meet the requirements of §§ 15-808 and 15-810 of this subtitle. No modification may extend the expiration date of any permit issued under this subtitle.

(c) Except as otherwise provided in subsection (d) of this section, a \$100 fee shall be charged for a permit modification.

(d) (1) In addition to the fee required in subsection (c) of this section, a fee shall be charged equal to \$12 for each additional acre of affected land over and above the amount of land covered in the original permit, for each year of operation.

(2) The additional fee may not exceed \$1,000 per year.

(e) The Department shall approve and grant the permit modification requested as expeditiously as possible but not later than 30 days after the application forms or any supplemental information required are filed with the Department.

(f) The Department may deny the permit modification on finding:

(1) An uncorrected violation of the type listed in § 15-810(b)(7) of this subtitle;

(2) Failure to submit an adequate mining and reclamation plan in light of conditions existing at the time of the modification; or

(3) Failure or refusal to pay the modification fee.

(g) If the Department denies an application to modify a permit, the Department shall give the permittee written notice of:

(1) The Department's determination;

(2) Any changes in the application which would make it acceptable;
and

(3) The permittee's right to a hearing at a stated time and place.

(h) The date for the hearing may not be less than 15 days nor more than 30 days after the date of the notice unless the Department and the permittee mutually agree on another date.

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